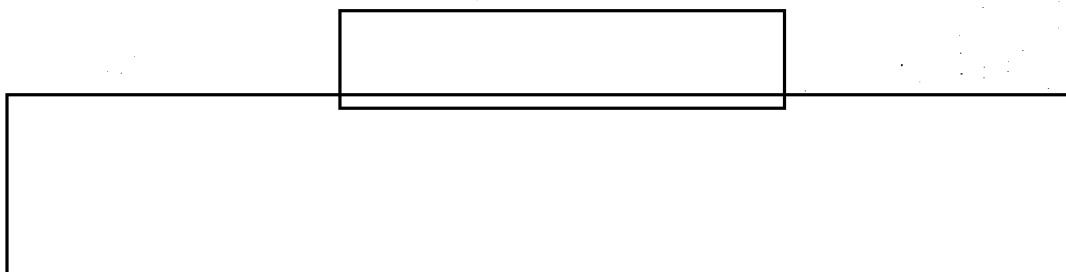


THE LOST PEACE:  
NEGOTIATING WHILE FIGHTING IN VIETNAM, 1964-1974

CHAPTER OUTLINE

December, 1974



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A. How the Vietnamese see peace, and assess the failure of the Paris Agreement to bring it; a summary of the viewpoint reflected in interviews in Indochina.

B. Presentation of major questions and hypotheses.

Central Questions

1. Could the Paris Agreement have been reached sooner?

2. What are the prospects for a political settlement in Vietnam?

Major Hypotheses

Four interrelated elements -- the nature of the conflict, Hanoi's strategy, U.S. domestic politics, and the Johnson-Nixon strategy -- explain the attenuated search for a settlement and the failure of the Paris Agreement to end the war and restore peace to Vietnam.

A political settlement in Vietnam now depends on direct negotiations between the GVN and the PRG on the modalities of shifting the conflict from the military to the political arena.

The secret negotiations from 1969-1973 focused on limiting warfare; normalization of relations between adversaries and the creation of modalities for a political settlement are still ahead.

C. Significance of the Study.

1. To understanding the decade of Vietnam:

The Vietnam war was negotiated over almost as long it was fought. Yet, the contribution of negotiations to an end to, and political settlement of, the war is one of the least discussed aspects of the war.

2. To analyses of negotiation during limited and internal wars:

a. This study confirms the finding that the resort to negotiations during internal wars signals military stalemate and/or the need to conserve force for an attenuated struggle.

b. This study asserts that negotiation is part of a process leading to political settlement: In Phase I, negotiating-while-fighting establishes quid pro quos on the use of force. In Phase II attention shifts to ending the war itself; i.e., adversaries begin to re-value original objectives and/or change timetables for their achievement. Thereafter, Phase III negotiations are aimed at normalizing adversary relations and creating the bases for a political settlement.

3. To U. S. diplomacy:

a. While the need to negotiate with Communist and revolutionary political forces has increased along with the incidence of regional and internal wars, little is being distilled from the Vietnam experience about the prerequisites for and the role of negotiations in conflicts where the U.S. has an overriding interest in promoting political settlements.

b. The four elements analysed in this study that contributed to attenuating the search for a settlement will continue to complicate the search for political settlements during internal wars.

c. For negotiations to lead to political settlements during internal wars, governments have to mobilize support for peace just as they must for war. Thus, if changing a nation's politics is just as important as stalemating its army, the U.S. is poorly equipped to either win internal wars or to promote a political settlement of them.

D. Data, sources and methodology. Bibliography.

CHAPTER II. U.S. DIPLOMACY AND THE SECRET SEARCH FOR PEACE

A. Central question: Could the negotiations, and, ultimately, the Paris Agreement, have come sooner?

B. Significance of the question.

1. The literature suggests Washington let important opportunities to enter negotiations or reach an agreement slip by:

a. U Thant thought negotiations could have come in 1965 or 1966.

b. Cyrus Vance thought an agreement could have been reached by November, 1968.

c. Xuan Thuy and George McGovern said an agreement could have been reached in 1969 and 1971.

d. Tad Szulc, summarizing the opinion of many government officials, suggests an agreement could have been completed in 1972, without the Christmas bombing of Hanoi.

2. The literature also characterizes U. S. diplomacy as clumsy and incompetent, concluding that it delayed and frustrated the search for an agreement (e.g., Kraslow and Loory, Chester Cooper, and Henry Kissinger's attitude in Foreign Affairs).

C. Review of major phases in the negotiations.

1. Operational definition of negotiation.

2. The legacy of past settlements for the negotiators and their approach to the Vietnam negotiations.

3. Review of phases:

a. Hanoi's overtures, 1964-65.

b. U. S. overtures, 1966-68.

c. The Paris Talks, 1968-72.

d. The Kissinger-Tho Talks, 1967-1973.

1. Kissinger's summer 1967 contacts.

2. Secret talks, 1969-April, 1972.

3. Summitry, May-October, 1972.

4. October 1972-January 1973.

e. Summary of central issues

4. Findings

a. The Tet offensive of 1968 signaled a military stalemate to the U.S. and a political stalemate to Hanoi. Of the Tet offensive, Henry Kissinger observed, "This made inevitable an eventual commitment to a political solution and marked the beginning of the quest for a negotiated settlement." I.e., stalemate, rather than achieving a position of strength, facilitates negotiation.

b. For Washington, the negotiations were aimed at extricating American forces from a conflict that was no longer strategically significant. For Saigon, negotiations because their attenuation was anticipated -- were accepted as the least undesirable way for the U.S. to withdraw. For the communists, the negotiations were part of an overall strategy for winning the conflict.

c. In negotiations with communists, the multiplicity of overtures are part of the negotiating process. They establish communication patterns and basic understandings on language, negotiable issues and goals. They reveal that Hanoi consistently saw negotiations as an end: to open a particular track, to respond in it, or to go public were all designed to entice Washington to declare a unilateral bombing halt rather than to bargain over terms under which it would be halted.

d. Understanding the early contacts between Hanoi and Washington is at least as important for assessing the significance of the Vietnam negotiations as the Kissinger-Tho dialogue. In the record of those contacts lies the story of why the war was fought and why the negotiations took as long as they did. For if there is one overwhelming conclusion from the record of the early contacts (i.e. 1964-1968), it is that neither Washington nor Hanoi saw the causes of the war as negotiable. Thus both would only accept an agreement if they thought it facilitated victory.

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e. Neither Washington nor Hanoi were prepared to negotiate a political settlement. This had to be left ambiguous and, of course, was. For both, progress in negotiations was limited by the absence of a vision of where they might lead. What happened in Paris in 1972 was the application of relatively consistent positions to much narrower issues than were on the table in 1968; what was struck, in essence, was not a new bargain.

1. There were no dramatic turning points in the decade of negotiations. The postures of all sides and their ultimate concessions were evolutionary and the decisions about them incremental. This is the case, for example, for Hanoi's position on the separability of military and political issues, for LBJ's 31 March speech, Kissinger's 1971-1972 concessions, and Thieu's intransigence.

2. Confident that the progress of its Revolution was irreversible, Hanoi used force to demonstrate that it would always have the capability to conquer the South regardless of the level or efficacy of U.S. assistance to the GVN. A political settlement, therefore, could only specify the way hegemony would be achieved, not whether it would be achieved.

f. Did the search for peace (i.e. something more than an armistice) prolong the war?

1. The more attenuated the negotiations, the more mistrust may develop.

2. When each party perceives it has achieved a position of strength or as long as it seeks to do so, settlement is not facilitated.

#### D. Assessment of U.S. Diplomacy.

1. The overall strategy and striking similarity between Johnson and Nixon.

- a. We attached a tremendous importance to being earnest; we would not be defeated, forced to withdraw, or abandon an ally. This was interpreted as intransigence by Hanoi and the intermediaries (even the European ones, ironically) and as deceit by the new left.

b. We were continually pre-occupied with achieving a position of strength before entering serious negotiations. This led to overrating the significance of military events and developments on both providing a decent interval for the GVN (the DI depended as much on political as military capabilities) and on affecting a change in Hanoi's attitudes towards a negotiated settlement.

c. All the U.S. negotiators sought to avoid predictability. But by keeping so many off balance or in the dark, policy was uncoordinated (e.g., LBJ discovered to his horror in the middle of Marigold that the bombing of Hanoi had been authorized), threats of the use of force were ineffective (i.e., they lacked incentives for Hanoi to accept U.S. offers), and our credibility consistently was suspect by friend and foe alike (e.g., Operation Enhance).

2. Staffing

- a. The impact of the isolation and segmentation of advice
- b. Verification of overtures and offers
- c. Washington's goals: were they formulated "on the plane"?

3. US effectiveness in making offers and using threats

4. The impact of domestic opposition: how it shaped the terms rather than the timing of the agreement.

5. The role of detente

a. The Soviets and the Chinese were the medium not the drafters of the message.

b. Did Kissinger think the Vietnam war would impair the progress of detente?

6. The reality of the fear that a breakthrough in the negotiations would not occur.

### CHAPTER III. WHY 1973? WHY THE SEARCH FOR A NEGOTIATED SETTLEMENT WAS SO ATTENUATED.

#### A. Nature of the conflict.

1. Because commitments to and escalation of the war were gradual and because there was little initial worry about the cost or feasibility of military victory, the early overtures were rebuffed.

2. Hanoi's strategy and U.S. doctrines of counter-insurgency stressed the importance of military victory rather than negotiated settlement.

3. The complexity of the war made coordination of secret diplomacy difficult because of the minimum goals each participant sought to achieve -- Washington sought to assure a decent interval (DI; i.e., time prior to an agreement to strengthen Saigon's army and administration so that a non-Communist government would continue to exist in the wake of the withdrawal of U.S. forces); Saigon sought Hanoi's recognition of and international guarantees for the maintenance of the status-quo ante; and Hanoi sought to achieve a military and political position in the South assuring it unhampered capabilities to liberate the South after the departure of U.S. forces -- there was a convergence of pressure to avoid premature negotiations and premature agreement.

#### B. U.S. domestic politics.

1. Opposition to a war and the mobilization of support for a negotiated settlement only translate into a policy debate every four years.

2. Intra-governmental dissent depends on whether advocates of change can argue that the current policy is counter-productive and propose either new objectives or new instruments. Mobilizing support within the government for such changes requires time for the current policy or instrument to have its failure demonstrated.

a. George Ball's failure.

b. The Clifford-Warnke success.

3. When the population is finally divided over and mobilized against the war, the way to end the war that is sought (i.e., negotiations rather than unilateral withdrawal) and the terms to end it that are sought (i.e., lasting peace rather than an armistice) are designed to serve the larger goals of uniting the country and healing the wounds of internal strife. This requires a more complex agreement and, consequently, more time in

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a. The agreement Harriman and Vance could have had in 1968, versus

b. The agreement achieved in 1973.

C. Hanoi's Strategy.

1. Because Hanoi counted on U.S. politics forcing an end to the war, they were psychologically prepared to endure its ravages for longer and put less faith in the negotiating process.

2. Negotiating-while-fighting reinforces mistrust and makes the acceptance of any agreement finally reached difficult.

a. Hanoi's use of the whipsaw.

b. Leapfrogging public and private positions to maximize the impact on U.S. domestic politics.

3. The strategy of protracted struggle and the dynamics of politburo politics require that competing goals be accommodated by prolonging the conflict.

4. Negotiation is a tactic -- "to open another front" -- and using it depends on the course of the war more than the offers and threats of the adversary. Since the conflict is protracted, reaching the phase in which negotiations would be appropriate takes longer than if the war were fought all out.

D. U. S. Strategy.

1. Summary of the U. S. approach.

a. What

b. Why

c. When

d. How

2. For both Nixon and Johnson the search for peace came third (i.e., after defeating aggression and building South Vietnam.)

3. Negotiations were always viewed as part of a broader process with which any agreement would have to be coordinated. Detente -- the guarantor of any agreement reached -- took time to achieve.

4. Both Johnson and Nixon sought more from negotiations than an armistice; i.e., they sought an agreement that would unite the country, provide a basis for healing the internal divisions the war had caused, and usher in lasting peace for Indochina. The more that was sought from the negotiations, the longer the negotiators required to develop the terms.

5. Graduated force programs failed: they permitted Hanoi time to recover from and adjust to new increments of force encouraging delay in making concessions.

6. Kissinger thought that the first step in the process leading to an agreement "between parties that had been murdering and betraying each other for decades" was to create a balance of forces such that each adversary thought that with a few more years of post-agreement struggle they would achieve their maximum objectives -- i.e., for Saigon, its continued existence in the face of a declining military threat from the DRV and with the prospect of prosperity and growth similar to that enjoyed by South Korea; for Hanoi, the liberation of the south and eventual unification; for Washington, the gradual accommodation of the adversaries to the terms of the Paris Agreement and the reality that in South Vietnam there would exist two armies, and two governments. Implementing this strategy required achieving a position of military strength for Saigon and this required time and warfare. (It also explains why Nixon and Kissinger differed from Melvin Laird over the rate at which U.S. forces could be withdrawn. Laird wanted the rate to be faster because he saw how the drain on the economy from the war was beginning to hurt other DOD programs in Congress; Nixon and Kissinger wanted the rates to be slower for fear that Saigon would balk at any agreement as premature).

7. Washington's handling of Saigon tended to increase Thieu's resistance to the agreement terms and timing and this contributed to further delay.

Saigon may have been kept in the dark, but it was never in the dark as far as what it expected would result from negotiations. This contributed to Saigon's sense of de ja vu both about the importance of the war and the negotiations to Washington. Thieu was prepared by late 1968, my notes indicate, to accept the reality that the U.S. would negotiate a separate peace. In any case, my research suggests that by 1971, Thieu had clearly in mind the shape of the agreement that emerged in January 1973.

8. Because of the open-ended terms Washington offered Hanoi and the failure of graduated force, the U.S. relinquished control over the factors that would induce Hanoi to agree to talks and later to terms; i.e., as Washington and Saigon gained on the battlefield, they could not translate this into pressure to accelerate the progress of negotiations.

#### CHAPTER IV. WHAT WENT WRONG?

##### A. The provisions of the Paris Agreement.

1. Kissinger's perspective: "...it is not easy to achieve through negotiations what has not been achieved on the battlefield, and if you look at the settlements that have been made in the post-war period, the lines of demarcation have almost always followed the lines of actual control. ...we have taken the position throughout that the agreement cannot be analyzed in terms of any one of its provisions, but it has to be seen in its totality and in terms of the evolution that it starts." (24 January 1973 press conference).

##### B. How the provisions of the Paris Agreement were determined by prolonging the war and attenuating the search for a negotiated settlement:

###### 1. Impact of the nature of the conflict.

a. Since the military aspects of the conflict were dealt with separately from the political aspects, the process providing for future political evolution had to be left ambiguous.

b. An integrated agreement could not be reached that linked the end of warfare to a process of political accommodation in the south.

###### 2. Impact of Hanoi's strategy.

a. It limited what was negotiable to only the terms and timing of U.S. withdrawal and the size of the inspection force.

b. What was not negotiable:

1. Vietnamese unity.

2. The end of all hostile U.S. acts against the territory of the DRV.

3. The status of the PRG.

4. The process of determining area control in the south.

5. The provisional nature of the DMZ.

3. Impact of U.S. politics.

a. Opinion against the war, against the 1972 Christmas bombing of Hanoi, and against the continued use of U.S. airpower in Indochina prevented Washington from holding out for better terms or a broader agreement incorporating political questions and the rest of Indochina.

b. Opposition to the war had its greatest impact on determining the terms Washington finally accepted rather than when negotiations began.

4. Impact of Washington's strategy.

a. Ambiguity in the agreement could be tolerated because of:

1. The understandings reached with Le Duc Tho in the secret talks.

2. The prospect that detente would result in a tapering off of communist country aid and support to Hanoi.

3. The follow-on process anticipated

a. The International Conference

b. The Kissinger-Tho dialogue

c. The normalization of U.S.-DRV relations and U.S. post-war economic reconstruction assistance to the DRV.

4. The transforming effect the process of negotiations would have on Hanoi: "Any international settlement represents a stage in a process by which a nation reconciles its vision of itself with the vision of it by other powers." (Henry Kissinger, A World Restored.)

b. There is also a profound cynicism associated with Kissinger's strategy about Hanoi's motives and the prospects for ending the war. Nixon and Kissinger were prepared to accept ambiguities and rest so much of the agreements implementation on understandings to facilitate later disavowing the agreement if events demonstrated that the understandings reached would not be honoured.

C. What went wrong in implementing the Paris Agreement:

1. The status of the post-war war
  - a. NVA infiltration
  - b. The less-fire in place
2. Status of U.S-DRV relations
  - a. The follow-on talks
  - b. The DRV's call for normalization of relations
  - c. Post-war assistance and the MIA accounting
3. Status of GVN-PRG relations
  - a. The talks at Le Celle St. Cloud
  - b. Accomodation in the south.

CHAPTER V. PROSPECT FOR A POLITICAL SETTLEMENT IN VIETNAM

- A. Summary of the contribution of negotiations to date.
- B. Nature of the political struggle ahead.
- C. Current Saigon, Hanoi, and Washington expectations.

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## CHAPTER VI. THE LESSONS OF A LOST PEACE.

A. Prerequisites for and role of negotiation in conflicts where the U.S. seeks to promote a political settlement.

1. When to negotiate.
2. How to negotiate.
  - a. Private vs. public talks.
  - b. Use of intermediaries.
  - c. Costs of using the back channel.
  - d. Relations with allies.
3. What to offer:
  - a. Unilateral initiatives vs. insistence on reciprocity: costs and benefits of "understandings".
  - b. The importance of time-specific offers.

B. Unique problems posed in negotiations with Communist states and revolutionary political forces.

1. Mobilizing U.S. public opinion.
  - a. Target for the adversary.
  - b. Dilemma for the President: i.e., fear that if mobilized popular support for the war, a limited war cannot be fought vs. fear that if the public support for the war not developed, opposition would force a premature curtailment of U.S. involvement and/or encourage the adversary to persist convinced that U.S. war weariness would precipitate major concessions at the negotiating table.
2. Paucity of ways to influence adversary's politics.
  - a. Failure of force
  - b. Illusion of detente: i.e., it tends towards condominium, not detente.

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3. There is no substitute for military victory.

C. The building-blocks of political settlements of internal wars.

1. Negotiation

2. Accomodation

3. How divided countries get together. Relevance of Korean and German cases to drawing dividing lines in Vietnam; one people, two states.

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# HOOVER INSTITUTION

ON WAR, REVOLUTION AND PEACE

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12 December 1974

Dear Gary:

Good talking with you -- and, needless to say, glad to hear that your memo on me is making the rounds.

Here is the latest version of my outline for the book I am doing here on the Vietnam negotiations. You comments on it would be welcome. I tend to work my putting down my thoughts in the most blunt way possible to elicit comment, so I am not defensive about the arguments listed and you should not hesitate to take issue with them.

I leave here on 26 December and expect to return on 3 or 4 February. When I am back, I'll drop you a note on the dates and places I visited.

Warmest regards and all best wishes for the coming holiday season.



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